

19 December 1980

MEMORANDUM FOR THE RECORD

STATINTL

FROM: [REDACTED]  
Intelligence Branch

THROUGH: C/CRD/Intel

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SUBJECT: OGC Request to Examine Certain CIA Documents

STATINTL

1. On 17 December the undersigned met with [REDACTED] of the OGC Law Library who had requested CRD examination of a large group of documents which she believed may have been released inadvertently to the public without proper declassification action. Upon examination of the documents, it was determined that no improper release had occurred.

2. The documents were in two groups. The first group was IPD FOIA Case file F-75-6585. This file partially consists of some 321 xeroxed documents which in 1978 had been released to the plaintiff. Although many of the documents were not CIA -- these included sections of the Congressional Record -- there were CIA documents from OLC and OGC which had been classified originally but declassified because of the mandatory request. These documents had had their original classification stamps deleted and marked properly as declassified. Subjectwise, the documents concerned the secret testimony of Admiral Hillenkoetter before various congressional committees. Many of the documents were advisory memorandums to the DCI from the then Legal Counsel, Mr. Pforzheimer.

3. This CIA response was the near final result of extensive litigation from Susan Goland and involved the CIA claim that the requested documents were not properly Agency, that they were legislative records, and should not fall under the executive purview of the FOIA. This case, as of last spring, was essentially closed awaiting a final court decision concerning payment of legal fees. STATINTL

4. The second group of documents was the one that [REDACTED] requested a CRD opinion. It consisted of the original CIA documents, most of

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which formed the basis of the IPD xeroxed package. The documents had come from a variety of sources: some were OLC, others had been retired to AARC and called back. There appeared to be some documents which might have been related to the Goland request, but were not in the IPD package. There appeared to be no documentation acknowledging CIA refusal to release the information. Other documents were written well past the time period of the Goland request. [REDACTED] went on to explain that the second group of documents had been used by OGC personnel as a "working file" for legal opinions of that time period. She also stated that there was soon to be an NFAC/OPA person assigned to OGC to write an unclassified paper using the information available to OGC including the "working file".

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5. The writer told [REDACTED] that in his opinion there had been no security breach in the release of any of the documents. I also told her that none of the documents in the second group could be subjected to systematic review unless the files were placed in correct order by an RMO and properly returned to AARC. In consultation with the IPD case officer most familiar with the Goland request, we also advised [REDACTED] that any person writing an unclassified version using the documents in question should restrict their research to those documents known to be declassified which were in the IPD case file package. This should be done to avoid the possible use of documents which, while still classified, might be related to the subject of the Goland litigation.

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6. The subject of this memorandum will be promulgated in the form of a draft Classification Review Procedure (CRP) to advise CRP personnel who might come across similar related documents in their systematic review of old Agency records.

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